

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

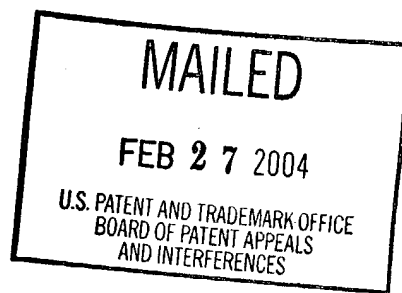
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*Ex parte* TATSUHIKO SHIBUYA and  
YOSHIO HAGIWARA

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Application 09/302,471

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**ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER**

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This application was electronically received at the Board of Patent Appeals and Interferences on January 15, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing are identified below.

An Information Disclosure Statement (IDS) was filed November 5, 2003. It is not apparent from the record that the examiner properly considered the IDS submitted nor notified appellants of why his submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

The English translation of Japanese Patent Kokai 9-208237 patented August 12, 1997 (Takei et al. submitted by applicant in the instant application January 8, 2001) is

Application 09/302,471

not in the electronic file. This reference is needed to process the appeal.

Accordingly, it is

ORDERED that the application is returned to the examiner for consideration of the IDS, scanning the Takei et al. translation, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES



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